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TAGS: [PRWL](#) [PGOV](#) [SOCI](#) [CPAS](#) [PBTS](#) [EFIN](#) [ELAB](#) [ECIN](#) [ECON](#)
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SUBJECT: JAMAICA: AWAITING COURT RULING ON HIGH-PROFILE
DUAL NATIONAL MP CASE; POLITICAL AND ECONOMIC IMPLICATIONS

REF: A. KINGSTON 398
[1](#)B. KINGSTON 310
[1](#)C. KINGSTON 280
[1](#)D. 07KINGSTON 1336

Classified By: DCM JAMES T. HEG FOR REASONS 1.4(b) and (d)

[1](#)1. (SBU) Summary and analysis: The government continues to retain its slender parliamentary majority of 32-28 as the Jamaican court postponed a decision on the West Portland seat. Currently Daryl Vaz of the ruling Jamaica Labor Party (JLP) holds the position, but in April a Supreme Court justice ruled that he cannot retain the seat because he held dual U.S.-Jamaican nationality at the time of his nomination and election. Vaz,s challenger, the People,s National Party (PNP) candidate Abe Dabdoub, filed a court case against Vaz and demanded that the votes for him be nullified, thus giving Dabdoub the seat outright. Instead, the Supreme Court ruled that a by-election should be held, and Dabdoub filed an appeal. The appeal case had been due for a hearing before a panel of three judges on November 24, but the case was postponed when one judge was unable to attend the proceedings.

[1](#)2. (C) If the court chooses to discount the electorate and grant Dabdoub the parliamentary seat outright, Prime Minister Bruce Golding will be in a very difficult position; in the past, he has stated publicly that he would never allow an unelected parliamentarian to serve based on a technicality. A court appointment of Dabdoub could force Golding,s hand at a time when the populace is frustrated with inflation and endemic crime. If Golding were to call a general election in the next few months, there is no guarantee the JLP could maintain even its narrow parliamentary majority. End summary and analysis.

Parliamentary Seat Stalemate Continues

[1](#)3. (SBU) Daryl Vaz, the majority Jamaica Labor Party (JLP) member of parliament (MP) elected in the West Portland district in the September 2007 national election, was a U.S. citizen at the time he was nominated and ran for office (Ref D). People,s National Party (PNP) challenger Abe Dabdoub claimed that Vaz violated Jamaica,s constitution, Clause 42 of which bars from high office anyone who has &sworn allegiance to a foreign power.⁸ On April 11, Chief Justice Zaila McCalla ruled that Vaz could not retain his elected position. However, she did not grant the petitioner's request to nullify the votes against Vaz and appoint Dabdoub directly to the seat; rather, she called for a by-election. In May, Vaz renounced his U.S. citizenship and announced he would run for his seat again if necessary (Ref B). Dabdoub appealed the Supreme Court decision, and a three judge panel was due to hear the case on November 24. However, the case was postponed because one of the three judges was unable to attend the hearing. No new hearing date was announced.

Local NGO Analyzes Role of
Dual Nationals in Government

¶4. (U) In late November the NGO Caribbean Policy Research Institute (CAPRI) published an analysis on the arguments for and against permitting dual nationals to hold high government office in Jamaica. CAPRI noted that according to the widely accepted interpretation of the pertinent constitutional clause, neither the United Kingdom nor member nations of CARICOM constitute &foreign powers.⁸ In Jamaica, this leaves dual citizenship with the U.S. as the most commonly contested issue.

¶5. (U) The CAPRI report cites the &commitment⁸ argument against permitting dual nationals to hold high office, proponents of which posit that someone who has allegiance to two countries may not fully serve the best interests of either. The report quotes Abe Dabdoub making such an argument, as well as former Prime Minister Edward Seaga, who renounced his U.S. citizenship to take office. Seaga once said, &One man cannot remain loyal to two flags.⁸ To test the validity of the &commitment argument,⁸ CAPRI examined legislation in the Jamaican parliament from 1998 to 2008 to search for conflicts of interest. CAPRI determined that such conflicts arose in less than one percent of the bills under discussion.

¶6. (U) The CAPRI report also references the &capacity⁸ argument in favor of allowing dual citizens to maintain key government positions. Those who support this view argue that it is essential to find the most qualified persons, and it is sensible to widen the applicant pool by looking to the

diaspora. People who have lived overseas, or at a minimum have been educated abroad, may have a greater depth of experience and will best be able to serve constituent needs, this argument states. Furthermore, it shows a high level of commitment on the part of these dual nationals to return to Jamaica, eschewing opportunities elsewhere in favor of serving in the public sector in their home country.

¶7. (U) According to the report, of immigrants to OECD countries from Latin America and the Caribbean, about a quarter have tertiary degrees. In contrast, of those remaining in their home countries, only twelve percent have that level of education. The CAPRI report also cites a 2004 study which found that Jamaica has one of the world's highest rates of emigration by university graduates. The CAPRI report states, &(L)osing the most skilled Jamaicans to migration has had well-understood and not inconsiderable productivity losses for the economy. It is reasonable to conclude that excluding them from the political process upon return is likely to result in a negative trade-off there as well.⁸ (Note: The CAPRI report does not account for remittances, which may balance some of the economic losses from &brain drain.⁸ There is no such commensurate counter-balance for losing political talent, so the trade-off there is even steeper. End note.)

Comment and Analysis

¶8. (C) The CAPRI report contrasts two arguments, and while more evidence seems to support the &capacity⁸ side, the conclusion notes that Jamaicans must decide for themselves whether commitment or capacity should carry more weight in determining who is allowed to hold high office. It seems that Vaz's renunciation of U.S. citizenship undermines the &commitment⁸ argument, and he remains popular in his district. Nevertheless, if the court chooses to discount the electorate and grant Dabdoub the parliamentary seat outright, Prime Minister Bruce Golding will be in a very difficult position; in the past, he has stated publicly that he would never allow an unelected parliamentarian to serve based on a technicality. A court appointment of Dabdoub could force Golding's hand at a time when the populace is deeply frustrated by rising prices, the drop in the value of the

Jamaican dollar, and endemic crime. If Golding were to call a general election in the next few months, there is no guarantee the JLP could maintain even its slim parliamentary majority. Then again, if the court continues to postpone the case indefinitely for flimsy reasons, Golding and his party may not have to face a public referendum for some time to come. While there seems to be no deliberate bias on the part of the judiciary, for now, at least, the lack of a definitive ruling benefits the party in power.

Johnson